

### **REMARKS**

Claims 1 and 4 – 15 are pending in the application. Claim 1 has been amended. Applicant previously elected group I claims directed to an apparatus. Accordingly, claims 16 – 20 directed toward a method have been withdrawn.

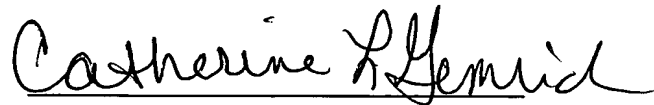
Claims 1 – 4, 6 – 12 and 14 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 5988500 (*Litman*). *Litman* does not teach or suggest a label with all the limitations of claim 1 including a mesh carrier with magnetically doped ink indicia printed upon the mesh carrier. The magnetic elements in *Litman* cannot be equated with a mesh carrier printed with magnetically doped ink indicia. The magnetic elements are either elongate and straight or are randomly distributed. See, e.g. *Litman* at Col. 6, lines 29 –155. The filaments of *Litman* are not woven into a mesh. Filaments of different widths and magnetic field strengths are arranged in a desired orientation. A forgery can be detected because the pattern of filament widths and fields strengths is difficult to duplicate. Further, *Litman* does not teach or suggest magnetically doped ink indicia. The filaments in *Litman* are coated with magnetic ink. A coated filament does not teach or suggest label with all the limitations of claim 1 including magnetically doped ink indicia, where the indicia is a machine readable symbology. Accordingly, *Litman* does not teach or suggest a label with all the limitations of claim 1 and thus claim 1 and claims 3 – 14 that depend therefrom are patentable.

Claim 13 was rejected under 35 USC §103(a) as being anticipated by FR-2746191A1 in view of *Litman*. As discussed above *Litman* does not teach or suggest a label with all the limitations of claim 1. FR-2746191 does not make up the deficiencies in *Litman* and thus claim 13 is patentable.

### **CONCLUSION**

Applicant asserts that all of the objections have been obviated and, therefore now respectfully requests withdrawal of the objections, and allowance of the application.

Respectfully submitted,



Catherine L. Gemrich  
Attorney for Applicant  
Registration Number 50473


ORUM & ROTH LLC  
53 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604-3606  
TELEPHONE: 312.922.6262  
FAX: 312.922.7747

ADAMS, Matt  
10/622559  
Page 5



**CERTIFICATE OF MAILING**

*I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner of Patent PO Box 1450, Alexandria, VA 22313-1450, on 10 January 2006.*

  
Elizabeth McAleese